



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held July 17, 2007, the Board took the following action:

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The following item was called up for consideration:

The Director of Mental Health's attached recommendation to approve the Court-ordered modifications to the Countywide Enhanced Specialized Foster Care Mental Health Services Plan (County Plan), to increase the screening and provision of mental health services to children who are not yet in foster care placement by the Department of Children and Family Services (DCFS), but who are at imminent risk of entering foster care placement ('at-risk population'), greater expansion of intensive in-home mental health services, including Wraparound and Treatment Foster Care services, systems to more quickly transition children out of congregate care settings, and systems to better monitor outcomes that children are achieving, at a projected annual cost of \$90.3 million funded with Early and Periodic Screening, Diagnosis and Treatment (EPSDT) State General Funds, EPSDT Federal Financial Participation Medi-Cal, and Intrafund Transfer from DCFS; authorize the implementation of the modified County Plan in Services Areas 1, 6 and 7 and Countywide implementation of the increased Wraparound and Treatment Foster Care services and expansion of the Multidisciplinary Assessment Team program, subject to approval of the financing and staffing requirements; and authorize the Director of DMH to prepare and execute amendments to agreements with DMH contractors selected to provide the Foster Family Agency, Wraparound and Treatment Foster Care mental health services.

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The following statement was entered into the record for Supervisors Antonovich and Knabe:

“In 2002, a class action lawsuit (Katie A.) was filed against the State of California and Los Angeles County alleging that children in contact with the County’s foster care system were not receiving adequate mental health and other services to which they were entitled. In response, the County developed a two-phased Enhanced Specialized Foster Care Mental Health Services Plan. In October 2005, Phase I was implemented to address the mental health needs of children in Service Planning Areas (SPAs) 1, 6 and 7. Phase II was to be implemented in the remaining SPAs following successful implementation of Phase I. In November 2006, the Federal Court ordered the County to make a number of modifications to Phase I in order to bring the County into greater programmatic compliance with the Federal Court Order.

“We have before us today the revised Phase I and partial Countywide Implementation Plan to prevent children’s entry into foster care placements or to transition them out of congregate care settings into permanency. The projected annual cost of implementation is \$90.3 million dollars, to be funded primarily through Early and Periodic Screening, Diagnosis and Treatment (EPSDT) State General Funds and EPSDT - Federal Financial Participation Medi-Cal. Yet it is unknown whether the County is currently documenting and claiming EPSDT adequately; and the funding source(s) to support approximately \$33 million dollars of the total initial cost remains undetermined. Plaintiffs’ Counsel in the Katie A. litigation is currently attempting to resolve EPSDT claiming issues and ambiguities. Therefore, it is fiscally imprudent to approve the modified County Plan without full determination of necessary funding sources and staffing requirements.

“A stated purpose of the Mental Health Services Act (MHSA) is to prevent the incidence of untreated serious mental illness and reduce its long-term adverse impact on individuals, families, state and local budgets. Given the self-evident high incidence of mental illness among foster children who have suffered abuse or neglect, the loss of their biological parents and multiple subsequent foster care placements, it is important that the County look for ways to maximize the use of MHSA dollars in serving the mental health needs of our most vulnerable and deserving foster children.”

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Therefore, at the suggestion of Supervisors Antonovich and Knabe, Supervisor Knabe made a motion that the Board take the following actions:

1. Direct the Chief Executive Officer to:
 - Move forward with the portions of the modified Countywide Enhanced Specialized Foster Care Mental Health Services Plan (County Plan) that do not require budgetary changes;
 - Report back to the Board in open session on August 7, 2007, in consultation with the Directors of Mental Health and Children and Family Services, with an implementation timetable and financing options for the modified County Plan;
 - Monitor, in consultation with the Director of Mental Health, efforts of the Katie A. Plaintiffs' Counsel to resolve Early and Periodic Screening, Diagnosis and Treatment (EPSDT) claiming issues; and
 - Report back to the Board in open session in 60 days at the meeting of September 18, 2007, in consultation with the Directors of Mental Health and Children and Family Services, on efforts to enhance EPSDT claiming practices and to identify Mental Health Services Act funding opportunities to ensure that any available funding can be maximized to serve the mental health needs of foster children; and
2. Continue action on the modified County Plan for three weeks to August 7, 2007, pending receipt of the Chief Executive Officer's report.

Supervisor Burke made the following statement:

"I fully support Supervisor Antonovich and Knabe's amendment that seeks to explore funding opportunities to service the mental health needs of foster children. To that end, I would like to expand the scope of the Chief Executive Officer's analysis and report."

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Therefore, Supervisor Burke made a motion, seconded by Supervisor Yaroslavsky, to amend Supervisor Knabe's motion to:

1. Instruct the Chief Executive Officer (CEO) and Director of Mental Health to include in the September 18, 2007 report back an analysis of the historical Early and Periodic Screening, Diagnosis and Treatment (EPSDT) match funding and costs patterns; and
2. Instruct the CEO to explore options to augment the Maintenance of Effort to the Department of Mental Health, in addition to MHSA funding opportunities, for the sole purpose of funding EPSDT growth match to ensure provision of mental health services to children throughout the County.

Supervisor Knabe accepted Supervisor Burke's amendment.

Patricia Ploehn, Director of Children and Family Services, Marvin J. Southard, Director of Mental Health, and David E. Janssen, Chief Executive Officer, responded to questions posed by the Board.

Trisha Mulcahey also addressed the Board.

After discussion, on motion of Supervisor Burke, seconded by Supervisor Knabe, unanimously carried (Supervisors Molina and Antonovich being absent), the Board took the following actions:

1. Instructed the Chief Executive Officer to:
 - Move forward with the portions of the modified Countywide Enhanced Specialized Foster Care Mental Health Services Plan (County Plan) that do not require budgetary changes;
 - Report back to the Board in open session on August 7, 2007, in consultation with the Directors of Mental Health and Children and Family Services, with an implementation timetable and financing options for the modified County Plan;
 - Monitor, in consultation with the Director of Mental Health, efforts of the Katie A. Plaintiffs' Counsel to resolve Early and Periodic Screening, Diagnosis and Treatment (EPSDT) claiming issues; and

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- Report back to the Board in open session in 60 days at the meeting of September 18, 2007, in consultation with the Directors of Mental Health and Children and Family Services, on efforts to enhance EPSDT claiming practices and to identify Mental Health Services Act funding opportunities to ensure that any available funding can be maximized to serve the mental health needs of foster children and with an analysis of the historical Early and Periodic Screening, Diagnosis and Treatment (EPSDT) match funding and costs patterns;
- 2. Instructed the CEO to explore options to augment the Maintenance of Effort to the Department of Mental Health, in addition to MHSA funding opportunities, for the sole purpose of funding EPSDT growth match to ensure provision of mental health services to children throughout the County; and
- 3. Continued action on the modified County Plan for three weeks to August 7, 2007, pending receipt of the Chief Executive Officer's report.

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Attachment

Copies distributed:

Each Supervisor
Chief Executive Officer
County Counsel
Director of Mental Health
Director of Children and Family Services